

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LP MATTHEWS, L.L.C., )  
                          )  
                          )  
                          )  
Plaintiff,             )  
                          )  
                          )  
v.                      )  
                          )  
                          ) Civil Action No. 04-1507-SLR  
                          ) Jury Trial Demanded  
BATH & BODY WORKS, INC.,         )  
LIMITED BRANDS, INC.,             )  
KAO BRANDS CO. (f/k/a THE ANDREW         )  
JERGENS COMPANY), and             )  
KAO CORPORATION,                 )  
                          )  
Defendants.                 )

**DEFENDANTS BATH & BODY WORKS, INC. AND  
LIMITED BRANDS, INC.'S NOTICE OF OBJECTION TO  
PLAINTIFF'S SIXTH SET OF INTERROGATORIES TO DEFENDANTS  
BATH & BODY WORKS, INC. AND LIMITED BRANDS, INC.**

Pursuant to Rule 33(a), Federal Rules of Civil Procedure, Delaware Local Rule 26.1(b), and section 2(b)(2) of the Scheduling Order in this case, each party is limited to a maximum of twenty-five (25) interrogatories, including discrete subparts. LP Matthews, L.L.C. ("LP Matthews") has served many compound interrogatories. When responding to LP Matthews' interrogatories, Defendants Bath & Body Works, Inc. and Limited Brands, Inc. (collectively "the Limited Defendants") have repeatedly objected to each compound interrogatory as "comprising more than one (1) separate and distinct question", and in most cases, specifically enumerated the true number of separate and distinct questions located in each such interrogatory.

Consequently, LP Matthews has exceeded the maximum number of interrogatories permitted to be served on the Limited Defendants. Thus, the Limited Defendants object to *Plaintiff's Sixth Set of Interrogatories to Defendants Bath & Body*

*Works, Inc. and Limited Brands, Inc.* To date, LP Matthews has served six (6) sets of interrogatories (numbered one (1) through twenty-three (23)). As explained below, LP Matthews reached and exceeded the maximum number of interrogatories during its fifth set of interrogatories, but as a professional courtesy the Limited Defendants responded to each and every interrogatory in that set and the four previous sets.

Interrogatory No. 4 presents at least two (2) questions because it asks for information related to (1) invalidity and (2) unenforceability.

Interrogatory No. 6 presents at least two (2) questions because it first asks for the basis for any willfulness defense the Limited Defendants may have, and then asks for any documents which establish the date on which they became aware of the patent-in-suit.

Interrogatory No. 7 presents at least two (2) questions because it asks about the Limited Defendants' basis for the allegations in two (2) distinct paragraphs of its counterclaim.

Interrogatory No. 14 presents at least two (2) questions because it asks first for information about non-infringing alternatives and second it requests information about whether any *Grain Processing* factors apply to those alternatives.

Interrogatory No. 17 includes at least four (4) questions because it requests information about three (3) different potential ingredients of the accused products independent of each other, as well as pH data for each accused product.

Interrogatory No. 18 includes at least four (4) questions. First, it requests the identification of all of BBW's cleaning products, second it requests information about the orange oil component of those products (if any), third it requests information about any moisturizer in those products (if any) and fourth it requests information about the oat grain derivative product located in those products (if any).

As shown above, in its first through fifth sets of interrogatories, LP Matthews actually asked a total of twenty-eight (28) interrogatories. In addition, many of the interrogatories in LP Matthews' sixth set are compound. For example, LP Matthews' Interrogatory No. 20 comprises at least six (6) separate and distinct questions.

In light of the above, the Limited Defendants object to LP Matthews' sixth set of interrogatories as exceeding the maximum number allowed.

Respectfully submitted,

FOX ROTHSCHILD, L.L.P.

Dated: January 27, 2006

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